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RB Wine Associates, LLC*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TEETER-TOTTER, LLC,

Plaintiff,

vs.

PALM BAY INTERNATIONAL, INC.,
PALM WINE HOLDINGS, LLC,
J VINEYARDS & WINERY LLC, RB
WINE ASSOCIATES, LLC

Defendants.

PALM WINE HOLDINGS, LLC,

Counterclaim Plaintiff,

vs.

TEETER-TOTTER, LLC,

Counterclaim Defendant.

CASE NO. 5:17-cv-06609-LHK

**JOINT ADMINISTRATIVE MOTION
UNDER L.R. 6-3 TO EXTEND FACT &
EXPERT DISCOVERY DEADLINES;
~~[PROPOSED]~~ ORDER**

WHEREAS, on March 28, 2018, the Court entered a scheduling order in this case setting January 31, 2019, as the close of fact discovery, and all subsequent deadlines, as follows:

Scheduled Event	Date
Last Day to Amend the Pleadings/Add Parties	July 13, 2018
Further Case Management Conference	August 1, 2018, at 2:00 p.m.
Deadline to Complete Court Mediation	September 28, 2018
Close of Fact Discovery	January 31, 2019
Opening Expert Reports	February 28, 2019
Rebuttal Expert Reports	March 29, 2019
Close of Expert Discovery	May 17, 2019
Last Day to File Motion for Class Certification	June 20, 2019
Hearing on Dispositive Motions	August 15, 2019, at 1:30 p.m.
Final Pretrial Conference	October 24, 2019, at 1:30 p.m.
Jury Trial	November 12, 2019, at 9:00 a.m.
Length of Trial	5 days

WHEREAS, on September 26, 2018, the parties filed STIPULATION TO ENLARGE TIME FOR MEIDATION AND DISCOVERY, Dkt. No. 59, which was denied;

WHEREAS, on September 28, 2018, the parties filed STIPULATION TO ENLARGE TIME FOR MEIDATION, Dkt. No. 61, to extend the deadline for the parties to conduct mediation to October 31, 2018, which was granted by the Court's Order on October 1, 2018, Dkt. No. 62.

WHEREAS, the parties have been diligently conducting discovery, including written discovery requests and depositions of witnesses in connection with the matter since the opening of Fact Discovery;

WHEREAS, on or around October 29, 2018 the parties concluded a court-supervised mediation before Ian Feinberg without settling the matter;

WHEREAS on October 16, 2018, Plaintiff's counsel's suffered a death in the family, followed by further complications arising from the widespread fires in Northern California, which began on or around November 8, 2018 and ended on or around November 21, 2018;

WHEREAS, Counsel for the parties conferred on November 29, 2018, and agreed to coordinate the remaining discovery and depositions in this matter over the months of January and February, given witness availabilities and the intervening holidays;

1 WHEREAS, out of an abundance of caution, Counsel for the parties believe it would be
2 prudent to extend the deadline for fact discovery by an additional 60 days, to April 1, 2019;

3 WHEREAS, granting this motion will not change the Court's scheduled hearing dates
4 for dispositive motions, the final pretrial conference, or the jury trial.

5 WHEREAS, the parties agree that there is good cause to extend the affected deadlines
6 in the Court's existing scheduling order, otherwise substantial harm and/or prejudice may
7 result in that additional legal issues, facts and witnesses have come to light, and the parties
8 believe they may possibly not have sufficient time to conduct additional depositions and
9 written discovery and/or follow-up discovery without affordance of the extension to the fact
10 discovery cutoff.

11 NOW, THEREFORE, the parties hereby agree and request that the Court order as
12 follows:

13 1. The close of fact discovery should be extended from January 31, 2019, to April
14 1, 2019.

15 2. The deadline for opening expert reports should be extended from February 28,
16 2019, to March 29, 2019.

17 3. The deadline for rebuttal expert reports should be extended from March 29,
18 2019, to April 26, 2019.

19 4. The deadline for close of expert discovery should be extended from May 17,
20 2019, to June 14, 2019.

21 5. The remainder of the Case Management Order remains unaffected by this
22 Motion, including the dates for the Hearing on Dispositive Motions, the Final Pretrial
23 Conference, and the Jury Trial.

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1 Respectfully submitted,

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3 Dated: December 7, 2018

DICKENSON, PEATMAN & FOGARTY

4 By /s/ Christopher J. Passarelli
5 Christopher J. Passarelli
6 Joy L. Durand

7 Attorneys for Plaintiff,
8 Teeter-Totter, LLC

9 Dated: December 7, 2018

FERDINAND IP, LLC

10 By /s/ John F. Olsen
11 John F. Olsen
12 Edmund J. Ferdinand, III

13 Attorneys for Defendants,
14 Palm Bay International, Inc.; Palm Wine Holdings,
15 LLC; J Vineyards & Winery, LLC; RB Wine
16 Associates, LLC
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~~[PROPOSED]~~ ORDER

Before the Court is the Parties' Joint Administrative Motion to Extend Fact & Expert Discovery Deadlines. Having considered the parties' arguments and the papers submitted and good cause having been shown, the Court GRANTS the motion as follows:

1. The close of fact discovery is extended from January 31, 2019, to March 7, 2019.
2. The deadline for opening expert reports is extended from February 28, 2019, to April 4, 2019.
3. The deadline for rebuttal expert reports is extended from March 29, 2019, to May 2, 2019.
4. The deadline for close of expert discovery is extended from May 17, 2019, to May 30, 2019.
5. The remainder of the Case Management Order entered on March 28, 2018, including all Court dates currently scheduled, remains unaffected by this Order.

IT IS SO ORDERED.

Dated: December 10, 2018

By: 
Hon. Lucy H. Koh
United States District Judge